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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,549	06/30/2000	ALBRECHT MAYER	P00.0665	8828

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EXAMINER	
GARCIA OTERO, EDUARDO	
ART UNIT	**PAPER NUMBER**
2123	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/530,549	MAYER, ALBRECHT	
	Examiner	Art Unit	
	Eduardo Garcia-Otero	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2004 and 01 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-11,14 and 15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-11 and 14* is/are rejected.

7)☒ Claim(s) *15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION: Final Action after RCE

Introduction

1. Title is: METHOD AND DEVICE FOR SYSTEM SIMULATION OF MICROCONTROLLERS/MICROPROCESSORS AND CORRESPONDING PERIPHERAL MODLULES.
2. First named inventor is: MAYER.
3. Applicant's Amendments were received 9/10/04, and 10/1/04. The second amendment merely further amended claim 15. Thus, this office action refers to the claims of 10/1/04, and to the Remarks of 9/10/04.
4. Claims 7-11, 14, and 15 are pending, and are rejected. Claims 7 and 14 are independent.
5. This Application is a 371 of PCT/DE99/02778 09/02/1999.

Index of Prior Art

6. **Bhandari** refers to US Patent 5,663,900.

Definitions

7. Webster refers to Webster's Third New International Dictionary, Merriam-Webster Inc, version 2.5, copyright 2000. Webster defines:
8. **"marker"** as "2.f: something (as a person, flag, stake, ship) posted at a point to indicate a position (as of a military unit, on obstacle)". However, technical dictionaries are generally preferred when words are used as a technical field such as computers, see below for relevant definitions from technical dictionaries.
9. MS Dictionary refers to Microsoft Computer Dictionary, Fourth Edition, by Microsoft Press, JoAnne Woodcock as Senior Contributor, ISBN 0-7356-0615-3, May 1999. MS Dictionary defines:
10. **"interrupt"** as "n. A signal from a device to a computer's processor requesting attention from the processor. When the processor receives an interrupt, it suspends its current operations, saves the status of its work, and transfers control to a special routine known as an interrupt handler, which contains the instructions for dealing with the particular situation that caused the interrupt. Interrupts can be generated by various hardware devices to request service or report problems, or by the processor itself in response to program errors or requests for operating system services. Interrupts are the processor's way of communicating

with the other elements that make up a computer system. A hierarchy of interrupt priorities determines which interrupt request will be handled first if more than one request is made. A program can temporarily disable some interrupts if it needs the full attention of the processor to complete a particular task. See also exception, external interrupt, hardware interrupt, internal interrupt, software interrupt."

11. **"marker"** as "n. 1. Part of a data communications signal that enables the communications equipment to recognize the structure of the message. Examples are the start and stop bits that frame a byte in asynchronous serial communications. 2. A symbol that indicates a particular location on a display."
12. **"mark"** as "n. 1. In applications and data storage, a symbol or other device used to distinguish one item from others like it. 2. In digital transmission, the state of a communications line (positive or negative corresponding to binary 1. In asynchronous serial communications, a mark condition is the continuous transmission of binary 1s to indicate when the line is idle (not carrying information). In asynchronous error checking...".
13. **"software interrupt"** as "n. A program-generated interrupt that stops current processing in order to request a service provided by an interrupt handler (a separate set of instructions designed to perform the task required). Also called trap." Emphasis added. Applicant's "marker" appears to be acting as a software interrupt, see Specification page 5.
14. McGraw-Hill Dictionary refers to The McGraw-Hill Dictionary of Scientific and Technical Terms, Fourth Edition, by McGraw-Hill Companies, Inc., ISBN 0-07-05270-9, 1989. The McGraw-Hill Dictionary defines:
15. **"mark"** as "[COMPUTER SCI] A distinguishing feature used to signal some particular location or condition." Emphasis added. This appears to be the most relevant definition for the instant application. (The Sixth Edition has the same definition.) However, the Applicant appears to use the "markers" to do more complex tasks such as turning off the simulation clock, possibly through transferring control, and possibly transferring control through software interrupts. Note that Applicant's exemplifying embodiment at Specification page 5 line 16 and line 21 uses "The opcode afh, which is not ordinarily used" as "markers", and these markers appear to function as software interrupts, or as unconditional jumps, or possibly even as subroutine calls. See definition of "software interrupt" by MS Dictionary.

Applicant Remarks of 9/10/04

16. The Examiner appreciates Applicant's clarification of the timing in accelerated operation mode. Applicant states **"simulation time does not pass" at Remarks page 6, line 12.** In other words, the simulation time (or clock) appears frozen, or paused, or stopped.
17. At Remarks page 7, Applicant discusses the grammar of the term "interrupt", and asserts that Bhandari discloses "interrupt" only as a verb. Bhandari Abstract states "A computer program controls simulation start, stop, ... interrupting".
18. However, the Examiner maintains that both the verb "interrupting" and the noun "interrupt" are disclosed by Bhandari to one of ordinary skill in the art. Specifically, the computer program controls "interrupting" (a verb) by executing a software interrupt (a noun) explicitly written into the computer code, or by processing a hardware interrupt (a noun).
19. In other words, playing (verb) tennis implicitly discloses the existence of a tennis racket (noun).
20. Thus, the Examiner maintains the rejections interpreting the claim term "markers" as equivalent to software interrupt commands which are disclosed by the Bandhari term "interrupting".
21. At Remarks page 8, Applicant asserts that Claim 7 does not contain any language pertaining to a freezing of the simulated time. However, Claim 7 states "accelerated operational mode", and **Remarks page 6 lines 11-12 state "While in the accelerated operation mode, the simulation time does not pass".** Thus, Claim 7 does appear to "freeze" the simulated time.
22. Perhaps some of these difficulties stem from the use of awkward terminology. Applicant's term "accelerated operational mode" perhaps would be more clearly described as "simulation clock pause mode". The term "pause" perhaps is the most accurate way to describe the situation, because "pause" implies that the simulation clock will continue incrementing (and will not be reset to zero) after any desired operations are completed during the pause. The Examiner used the term "freeze", but perhaps "pause" is slightly better. Bhandari's "interrupting" pauses (or freezes) the simulation clock. Bhandari's "single step" allows only a single simulation clock cycle increment, and then pauses (or freezes).
23. At Remarks page 9, Applicant is correct in stating that "freezing" is actually decelerating the simulation clock, and not acceleration. However, Applicant is his own lexicographer, and

applicant's term "accelerated operational mode" is accepted by the Examiner as meaning stopping the simulation clock. Remarks page 6 lines 11-12 state "While in the accelerated operation mode, the simulation time does not pass". Also see Specification page 3 line 16 "in the accelerated code execution "simulated" time does not elapse; that is, the program part is processed in a kind of instruction set simulator".

24. Applicant's claim 15 (received 9/10/04 and further amended by the amendment received 10/1/04) appears to be allowable.

Claim Interpretation

25. **The claim language is interpreted in light of the specification.** Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns,* 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

26. In claim 7, **"signal patterns"** is interpreted as including "sequences of code". And **"markers"** is interpreted as "code or sequences of code that are not usually used in program code, used to signal some particular location or condition". Also see discussion above. The "markers" appear to be used to perform ("trigger") complex tasks, such as interrupting or jumping or perhaps calling subroutines. Also, **"core"** is interpreted as CPU.

27. In claim 14, **"fundamentally have clock cycle accuracy"** is interpreted as "have a synchronous clock".

35 USC § 102(e): filed after 11/29/00, or vol. pub. under 35 USD 122(b)

28. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless – (e) the invention was described in- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

29. Claims 7-11, and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhandari.

30. Claim 7 is an independent "method" claim with 5 limitations, labeled A-E by the Examiner for clarity.
31. A-**"in a first sequence of steps, simulating said microcontroller/microprocessor and said peripheral modules with predetermined signal patterns"** is disclosed by Bhandari at Abstract "various models are simulated and interfaced to certain target systems, logic analyzers, modeler, functional testers, emulators, hardware accelerators, hardware modelers, or other simulators". More specifically, "first sequence of steps" is disclosed at column 2 line 8 "software program is used to control simulation operations", and "microcontroller/microprocessor" is disclosed by "integrated circuits" at column 1 line 16, and "peripheral modules" is disclosed at column 1 line 62 "external systems may include other simulators... which may cooperate functionally with the primary simulation facility".
32. B-**"said first sequence of steps having markers inserted therein"** is disclosed by Bhandari at column 2 line 7 "software program is used to control simulation operation... single step, monitor, or interrupt", and column 6 line 28 "module coordination... functional cooperation with the simulator".
33. C-**"in a second sequence of steps, interrogating and evaluating states of said system brought about by said simulation while executing said first sequence of steps, the second sequence of steps being executed by the core of the microprocessor or microcontroller for the system to be simulated"** is disclosed by Bhandari column 1 line 33 "generate verifiable, imitated functional or logical output signals in response to stimuli applied to the model", and column 2 line 7 "software program... monitor". Note that Bhandari "verifiable" implies verifying by interrogating and evaluating the output signals of the model to verify the functional or logical behavior of the model. Further note that Bhandari "software program... monitor" also implies verifying by interrogating and evaluating the output signals. Especially note Bhandari column 6 lines 1-7 "to control operation of simulator... an interface or control software program which co-operates with simulator... Preferably, such software program may cause simulation to begin, single-step, stop, be interrupted, polled, or monitored". And Bhandari column 6 line 28 "module coordination... functional cooperation with the simulator".

34. D-**"interrupting first sequence of steps for executing said second sequence of steps as dictated by said markers inserted into said first sequence"** is disclosed by Bhandari at column 2 line 7 "software program is used to control simulation operation... single step, monitor, or interrupt" and column 6 line 28 "module coordination... functional cooperation with the simulator".
35. E-**"said second sequence of steps being executed in an accelerated operational mode that is adapted to said evaluation"** is disclosed by Bhandari at column 2 line 7 "software program is used to control simulation operation... single step, monitor, or interrupt". Note that single step and interrupt will each freeze the simulated time after executing the single step or interrupt. Thus, simulated time does not elapse during monitoring or analysis, after executing single step or interrupt. Note specification page 3 line 17 states "in the accelerated code mode [or accelerated operational mode] "simulated" time does not elapse". And Bhandari at column 4 line 21 "asynchronous operation", and column 6 line 28 "module coordination... functional cooperation with the simulator".
36. Claim 8 depends from claim 7, with one additional limitation.
37. **"said first sequence of steps provides a clock-cycle-based simulation of said microcontroller/microprocessor and of said peripheral modules"** is disclosed by Bhandari at column 4 line 13 "second simulation tool may be synchronized with the primary simulator".
38. Claim 9 depends from claim 7, with one additional limitation.
39. **"said first sequence of steps is a series of consecutive program codes corresponding to program codes of at least one of the modules to be simulated"** is disclosed by Bhandari at column 2 line 7 "software program is used to control simulation operation... single step, monitor, or interrupt".
40. Claim 10 depends from claim 9, with one additional limitation.
41. **"markers are formed by one of opcodes or opcode sequences that are not usually used in said program code"** is disclosed by Bhandari at column 2 line 7 "software program is used to control simulation operation... single step, monitor, or interrupt".
42. Claim 11 depends from claim 7, with one additional limitation.

43. **"peripheral modules that were specified during said second sequence of steps are functionally cosimulated"** is disclosed by Bhandari at column 1 line 62 "external systems may include other simulators... which may cooperate functionally with the primary simulation facility", and at column 4 line 13 "synchronized", and Bhandari column 6 line 28 "module coordination... functional cooperation with the simulator".
44. Claim 14 is an independent "apparatus claim" with the same limitations as "method" claims 7-11 above, and is also anticipated by Bhandari as discussed above.

Response to Amendments or new IDS-FINAL OFFICE ACTION

45. Applicant's amendments or new IDS necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Patentable material

46. At present, the Examiner believes that this application contains some potentially patentable material. Specifically, the claim 15 limitation "said first sequence of steps and second sequence of steps are steps within the same software module" is not disclosed by the prior art. Bandhari's interrupt appears to call a separate interrupt module. Banhari does not stop the simulation clock and then proceed immediately to the next line of code. See Specification page 5 lines 15 through 18.
47. Claim 15 is objected to because it depends from rejected claim 7, but would be allowed if amended into independent form including the limitations of parent claim 7.

Conclusion

48. Claims 7-11, and 14 are rejected.

49. Claim 15 is objected to.

Communication

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Garcia-Otero whose telephone number is 571-272-3711. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 8:00 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at 571-272-3761. The fax phone number for this group is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.